

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

VIRGIL RAY GREEN,

Plaintiff,

v.

Case No. 12-12319  
Honorable Patrick J. Duggan

DAVID MESSER, ALLEN HOWARD,  
CRAIG HENRICKS, ROGER HEATH, and  
VICKI LEWIS,

Defendants.

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**JUDGMENT**

Plaintiff, a Michigan prisoner, commenced this action against Defendants on May 29, 2012. In his Complaint, Plaintiff alleges that Defendants confiscated his personal property in retaliation for the exercise of his First Amendment rights in violation of 42 U.S.C. § 1983 and Michigan law. On November 2, 2012, Defendants filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b) or, in the alternative, for summary judgment pursuant to Rule 56. In an Opinion and Order entered on this date, the Court granted Defendants' motion.

Accordingly,

**IT IS ORDERED, ADJUDGED, AND DECREED**, that Plaintiff's claims alleging First Amendment retaliation and conspiracy are **DISMISSED WITH**

**PREJUDICE** and Plaintiff's state law claims are **DISMISSED WITHOUT PREJUDICE**.

Date: September 11, 2013

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copies to:  
Virgil Ray Green, #189440  
Macomb Correctional Facility  
34625 26 Mile Road  
New Haven, MI 48042

AAG Allan J. Soros  
Magistrate Judge Paul J. Komives